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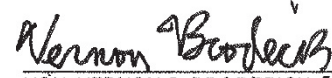
NEW YORK ONLY

May 6, 2021

Honorable Vernon S. Broderick
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Plaintiff's request to seal Docs. 114—115 is granted. However, Plaintiff's requests to refile her reply memorandum and exhibits with modification and to file an additional exhibit are denied. The Court respectfully directs the Clerk of Court to make Docs. 114—115 only viewable to the parties.

SO ORDERED:



HON. VERNON S. BRODERICK 5/17/2021
UNITED STATES DISTRICT JUDGE

Re: Humphreys v. New York City Health and Hospitals Corporation,

Case No. 1:16-cv-9707

Joint Letter re Plaintiff's Request for Sealing and Refiling

Dear Judge Broderick:

I represent Plaintiff Chantelle Humphreys. In her reply filing of April 26, 2021 in support of her motion for spoliation sanctions, materials marked confidential were mistakenly included. In addition, a 30 page portion of the brief that listed the missing materials and their current status should have been filed as an exhibit. As a result, the brief was overlong by about 30 pages. Plaintiff respectfully requests that the Court provide the following relief:

- 1) ECF 114 and 115 containing the confidential materials shall be locked and made unavailable to the public.
- 2) Plaintiff shall be permitted to refile her Reply Brief and Exhibits, with modifications to correct errors.
- 3) Plaintiff may add an exhibit that provides a list of the missing materials and lists their current status.

In the interest of judicial economy, the parties jointly file this letter representing their positions regarding Plaintiff's requests below:

Plaintiff's Position:

The new filings will not contain confidential materials, and a courtesy copy of the motion filings with the confidential materials shall be provided to the Court and opposing counsel on CD. As noted below, Defendant objects to this relief. Plaintiff notes that she has not objected to Defendant's overlong affidavits in violation of this Court's Individual Rule 4(D). That rule limits affidavits to ten pages, whereas Defendant submitted a twenty page affidavit. [ECF 108]. Be that as it may, Plaintiff respectfully requests that the Court allow her to make a few minor changes in

filing her Reply Brief, which she contends make little substantive difference, and to also permit filing the additional exhibit.

Defendants' Position:

Defendant does not object to Plaintiff's first request above regarding the sealing of confidential materials. However, with regard to Plaintiff's requests two and three, Defendant does not consent to the refiling of the Reply Brief because: 1) Plaintiff has made substantive edits to the Reply Brief; and 2) Plaintiff's "Exhibit 42" is not an exhibit but merely an improper further extension of her already expanded reply memorandum wherein Plaintiff's counsel raises new arguments and rebuttals in response to Defendant's opposition.

A redline copy of the proposed Reply Brief and a copy of the proposed new exhibit are attached for the Court's review.

The parties thank the Court for its consideration of this request.

Respectfully submitted,

/s/

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-and-

/s/

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